

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1105 be amended to read as follows:

- 1 Page 11, between lines 31 and 32, begin a new paragraph and insert:
- 2 "SECTION 6. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2008]: **Sec. 22. (a) The ad valorem property**
- 5 **tax levy limits imposed by this chapter do not apply to ad valorem**
- 6 **property taxes imposed by a consolidated city to pay or fund any**
- 7 **indebtedness assumed, defeased, paid, or refunded under**
- 8 **IC 36-3-1-6.1.**
- 9 **(b) For purposes of this section:**
- 10 **(1) "consolidating entity" means:**
- 11 **(A) an included town under IC 36-3-1-7; or**
- 12 **(B) a:**
- 13 **(i) township; or**
- 14 **(ii) fire protection territory;**
- 15 **whose fire department is consolidated into the fire**
- 16 **department of a consolidated city under IC 36-3-1-6.1; and**
- 17 **(2) "maximum levy" means the maximum permissible ad**
- 18 **valorem property tax levy under section 3 of this chapter.**
- 19 **(c) The maximum levy of a consolidated city for property taxes**
- 20 **first due and payable in 2009, 2010, and 2011 is the sum of:**
- 21 **(1) the maximum levy of the consolidated city for property**
- 22 **taxes first due and payable in 2009 determined without regard**
- 23 **to this section; plus**
- 24 **(2) the amount equal to the combined property tax levies of**
- 25 **each consolidating entity for property taxes first due and**
- 26 **payable in 2008 for fire protection and related services.**
- 27 **(d) The maximum levy for property taxes first due and payable**
- 28 **in 2009 is reduced for each consolidating entity other than a**
- 29 **township by the amount equal to the property tax levy of the**
- 30 **consolidating entity for taxes first due and payable in 2008 for any**

services and operations for which responsibility is transferred to the consolidated city in 2009.

(e) The maximum levy of a consolidating entity that is a township for the township's firefighting fund for property taxes first due and payable after 2008 is zero (0).

(f) For purposes of determining the maximum levy for property taxes first due and payable in 2012 for an entity for which the maximum levy determined under this section for property taxes first due and payable in 2011 is greater than zero (0), the maximum levy to be used in:

(1) STEP ONE of section 3(a) of this chapter; or

(2) STEP ONE of section 3(b) of this chapter;

is the maximum levy determined under this section for the entity for property taxes first due and payable in 2011.

SECTION 7. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544

1	Pike Township	\$1,410,375
2	Warren Township	\$1,027,721
3	Washington Township	\$1,017,890
4	Wayne Township	\$988,397
5	Lawrence-City	\$648,848
6	Beech Grove	\$639,017
7	Southport	\$18,906
8	Speedway	\$546,000
9	<b>and subject to subdivisions (4) and (5), after December 31, 2008, in</b>	
10	<b>any month calculate the total amount of revenues that are to be</b>	
11	<b>distributed as distributive shares during that month multiplied by</b>	
12	<b>the following factor:</b>	
13	Center Township	0.02510
14	Decatur Township	0.00012
15	Franklin Township	0.00032
16	Lawrence Township	0.00048
17	Perry Township	0.00053
18	Pike Township	0.00000
19	Warren Township	0.00054
20	Washington Township	0.00092
21	Wayne Township	0.01307
22	Lawrence Civil City	0.00858
23	Beech Grove Civil City	0.00845
24	Southport Civil City	0.00025
25	Speedway City Civil Town	0.00722
26	Indpls/Marion County	0.93442
27	<b>(3) Subject to subdivision (4), for each year after 1995, calculate</b>	
28	<b>the total amount of revenues that are to be distributed as</b>	
29	<b>distributive shares during that month as follows:</b>	
30	STEP ONE: Determine the total amount of revenues that were	
31	distributed as distributive shares during that month in calendar	
32	year 1995.	
33	STEP TWO: Determine the total amount of revenue that the	
34	department has certified as distributive shares for that month	
35	under section 17 of this chapter for the calendar year.	
36	STEP THREE: Subtract the STEP ONE result from the STEP	
37	TWO result.	
38	STEP FOUR: If the STEP THREE result is less than or equal to	
39	zero (0), multiply the STEP TWO result by the ratio established	
40	under subdivision (1).	
41	STEP FIVE: Determine the ratio of:	
42	(A) the maximum permissible property tax levy under	
43	IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil	
44	taxing unit for the calendar year in which the month falls, plus,	
45	for a county, an amount equal to the property taxes imposed by	
46	the county in 1999 for the county's welfare fund and welfare	
47	administration fund; divided by	

1 (B) the sum of the maximum permissible property tax levies  
 2 under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil  
 3 taxing units of the county during the calendar year in which  
 4 the month falls, and an amount equal to the property taxes  
 5 imposed by the county in 1999 for the county's welfare fund  
 6 and welfare administration fund.

7 STEP SIX: If the STEP THREE result is greater than zero (0),  
 8 the STEP ONE amount shall be distributed by multiplying the  
 9 STEP ONE amount by the ratio established under subdivision  
 10 (1).

11 STEP SEVEN: For each taxing unit determine the STEP FIVE  
 12 ratio multiplied by the STEP TWO amount.

13 STEP EIGHT: For each civil taxing unit determine the difference  
 14 between the STEP SEVEN amount minus the product of the  
 15 STEP ONE amount multiplied by the ratio established under  
 16 subdivision (1). The STEP THREE excess shall be distributed as  
 17 provided in STEP NINE only to the civil taxing units that have  
 18 a STEP EIGHT difference greater than or equal to zero (0).

19 STEP NINE: For the civil taxing units qualifying for a  
 20 distribution under STEP EIGHT, each civil taxing unit's share  
 21 equals the STEP THREE excess multiplied by the ratio of:

22 (A) the maximum permissible property tax levy under  
 23 IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying  
 24 civil taxing unit during the calendar year in which the month  
 25 falls, plus, for a county, an amount equal to the property taxes  
 26 imposed by the county in 1999 for the county's welfare fund  
 27 and welfare administration fund; divided by

28 (B) the sum of the maximum permissible property tax levies  
 29 under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all  
 30 qualifying civil taxing units of the county during the calendar  
 31 year in which the month falls, and an amount equal to the  
 32 property taxes imposed by the county in 1999 for the county's  
 33 welfare fund and welfare administration fund.

34 **(4) Subject to subdivision (5), this subdivision applies in any**  
 35 **month in which a consolidation under IC 36-3-1-6 is in effect**  
 36 **after 2009. For each month to which this subdivision applies,**  
 37 **calculate the total amount of revenues that are to be**  
 38 **distributed as distributive shares during that month as follows:**

39 **STEP ONE: Determine the total amount of revenues that**  
 40 **were distributed as distributive shares during that month in**  
 41 **2009.**

42 **STEP TWO: Determine the total amount of revenue that the**  
 43 **department has certified as distributive shares for that**  
 44 **month under section 17 of this chapter for the calendar year.**

45 **STEP THREE: Subtract the STEP ONE result from the**  
 46 **STEP TWO result.**

47 **STEP FOUR: If the STEP THREE result is less than or**

equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (2).

**STEP FIVE: Determine the ratio of:**

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

**STEP SIX:** If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (2).

**STEP SEVEN:** For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

**STEP EIGHT:** For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (2). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

**STEP NINE:** For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

**(5)** This subdivision applies to Washington and Warren Townships. Notwithstanding subdivisions (1) and (3) and

subdivisions (2) and (4), a township that entered into an agreement to consolidate its fire services with the city of Indianapolis before January 1, 2008, shall receive the distributive share for a month determined under the agreement for the term that the agreement governs the distribution of distributive shares. The amount by which the distributive share made to a township under the agreement exceeds the amount that the township would receive under subdivisions (1) and (3) or subdivisions (2) and (4) reduces the distributive share that would otherwise be distributed to Indianapolis/Marion County."

Page 12, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 9. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied,~~ The following fire departments of the following are consolidated into the fire department of a the consolidated city (referred to as "the consolidated fire department") on **January 1, 2009:**

(1) ~~The fire department of~~ a township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in the county containing the consolidated city, regardless of whether the fire department is operated by the township or by another political subdivision.

(2) ~~The fire department of~~ any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(b) ~~If the requirements of subsection (g) are satisfied,~~ After **December 31, 2008**, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: **the county (excluding any excluded city).**

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, **Except as provided in subsection (n),** all of the property, equipment, records, rights, and contracts of the each department consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station

may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. **Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited to the consolidated city's cumulative building and equipment fund for fire protection and related services and shall be used by the consolidated city for funding land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.**

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city; The employees of the a fire department listed in subsection (a) that is consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; the indebtedness **All indebtedness, liabilities, claims, and obligations** related to fire protection services incurred before the effective date of the consolidation by the an entity whose fire department is consolidated into the consolidated fire department under subsection (a), or a building, holding, or leasing corporation on behalf of the entity, whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, **defeased, paid, or refunded** by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) **Notwithstanding any other law, to assume, defease, pay, or refund all or part of an indebtedness described in subsection (e), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.**

(g) **Notwithstanding subsections (e) and (f), the consolidated city may not assume all or a part of an indebtedness described in**

subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur. Notwithstanding subsection (e), the consolidation of an entity's fire department under subsection (a) does not affect any cause of action pending before July 1, 2008, by or against:

(1) an entity whose fire department is consolidated under subsection (a); or

(2) a building, holding, or leasing corporation on behalf of an entity;

and shall continue by or against the entities listed in subdivisions (1) and (2) as if the consolidation had not taken place.

(h) The rights of trustees and bondholders with respect to any:

(1) bonds or other indebtedness described in subsection (e); or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; (i) The merit board and the merit system of the ~~each~~ fire department that is consolidated ~~into the fire department of the consolidated city~~ are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the

requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

~~(h)~~ **(j)** The following apply if the requirements of subsection ~~(g)~~ are satisfied: **after a fire department listed in subsection (a) is consolidated into the fire department of the consolidated city:**

~~(1)~~ **(1)** The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

~~(2)~~ **(1)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

~~(3)~~ **(2)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ **(3)** For property taxes first due and payable in the **first calendar** year in which **property taxes are first due and payable based on** the consolidation, ~~is effective~~; the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 **for:**

(A) ~~is increased~~ for the consolidated city; by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) ~~is reduced~~ for the township entity whose fire department is consolidated into the fire department of the consolidated city under this section; by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

**is determined under IC 6-1.1-18.5-22.**

(5) (4) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for **balance in** the township's cumulative building and equipment fund for fire protection and related services of a **township whose fire department is consolidated into the fire department of the consolidated city** is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services, **as provided in subsection (c).**

(6) (5) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of **the township an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) (6) The consolidated city may levy property taxes within the **consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department** to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of

the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

**(k) For a township that consolidated its fire department into the fire department of the consolidated city before July 1, 2008, this section and IC 6-3.5-6-18.5 apply to the consolidation to the extent this section and IC 6-3.5-6-18.5 do not conflict with:**

**(1) the consolidation ordinances adopted by the consolidated city and the township; or**

**(2) any consolidation agreement between the consolidated city and the township.**

**(l) Before January 1, 2009, the consolidated fire department shall develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. The consolidated fire department shall determine the resource requirements and resource deployments based on the risk assessment models promulgated by the Center for Public Safety Excellence, Inc., or a successor entity. The consolidated fire department must:**

**(1) update the strategic plan at least once every three (3) years; and**

**(2) annually report to the legislative body of the consolidated city concerning the implementation of the strategic plan.**

**(m) An employee of a fire department listed in subsection (a) who becomes an employee of the consolidated fire department under subsection (d), becomes an employee of the consolidated fire department at the merit or permanent rank that the individual held with the fire department listed in subsection (a) on the last day that the individual was employed by that department, if the individual held the merit or permanent rank of captain or below.**

(n) This subsection applies to any real property owned by the township on the effective date of the consolidation that is used by the township for both civil government purposes and fire protection and related services. Real property subject to this subsection remains the property of the township after December 31, 2008. However, the consolidated city may use the real property for providing fire protection and related services under an agreement for joint use of the real property by the consolidated city and the township. A joint use agreement shall contain reasonable terms regarding the sharing of maintenance and operating costs.

(o) Notwithstanding any other law, an employee of a fire department listed under subsection (a) who becomes an employee of the consolidated city on the effective date of the consolidation is not required to reside within the consolidated city, the county having a consolidated city, or a contiguous county if the member did not reside within these units on the effective date of the consolidation.

SECTION 10. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.2. (a) If a ~~consolidated~~ fire department is ~~established~~ **consolidated** under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services **by contract or** under an interlocal agreement under IC 36-1-7.

SECTION 11. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.4. (a) **The executive of the consolidated city shall establish a professional standards board with responsibility after December 31, 2008, for establishing, validating, and maintaining emergency responder certification and credentialing requirements and procedures. The emergency responder certification and credentialing requirements and procedures must be in accordance with the National Incident Management System and appropriate national professional standards and certification organizations and boards.**

(b) The professional standards board shall before January 1, 2009, establish the following for each emergency responder position within the consolidated fire department:

- (1) Minimum initial certification and credentialing requirements.
- (2) Experience and competency requirements.

1           (3) Continuing education requirements.

2           (4) Performance criteria.

3           (5) Recertification requirements.

4           (c) After December 31, 2008, a subcommittee of the professional  
5 standards board, under the direction of a board certified  
6 emergency physician, is responsible for certification and  
7 credentialing of emergency medical responders.

8           SECTION 12. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2008]: Sec. 6. Notwithstanding any other law, the consolidated  
11 city may issue obligations to refund obligations issued before the  
12 effective date of a consolidation under IC 36-3-1-6.1 in the name of:

13           (1) a township;

14           (2) a fire protection territory; or

15           (3) a building, holding, or leasing corporation on behalf of a  
16 township or a fire protection territory;

17 to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and  
18 IC 36-3-1-6.1(g).

19           SECTION 13. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE  
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2008]:

22           **Chapter 1.1. Transfer of Township Services**

23           Sec. 1. This chapter applies only to a county having a  
24 consolidated city.

25           Sec. 2. The functions, duties, and responsibilities of the township  
26 trustee and township board with respect to providing fire  
27 protection and related services are transferred to the county on  
28 January 1, 2009.

29           Sec. 3. The balance on January 1, 2009, in a debt service fund of  
30 a township that relates to debt incurred for firefighting purposes:

31           (1) is transferred to the county in which the township is  
32 located; and

33           (2) shall be used by the county to pay indebtedness or lease  
34 rentals for which the fund was established.

35 Any balance remaining in the fund after all payments for  
36 indebtedness or lease rentals required under this section have been  
37 made is transferred to the county general fund.

38           Sec. 4. (a) The balance on January 1, 2009, in a township's  
39 firefighting fund:

40           (1) is transferred to the consolidated city; and

41           (2) shall be deposited in the general fund of the consolidated  
42 city.

43           (b) The department of local government finance shall determine  
44 the amounts to be transferred under this section.

45           (c) IC 36-1-8-5 does not apply to a balance referred to in this  
46 section.

47           Sec. 5. The maximum permissible ad valorem property tax levy  
48 of the township, the consolidated city, and the county are adjusted

under IC 6-1.1-18.5-22 to reflect the transfers under this chapter.

**Sec. 6. After June 30, 2008, a township may not purchase, lease, sell, convey, exchange, transfer, mortgage, or otherwise dispose of or encumber property used for fire protection or related services or any interest in property, land, machinery, or equipment used for fire protection or related services without the consent of the director of the department of public safety of the consolidated city.**

**Sec. 7. After June 30, 2008, a township may not enter into a contract for services related to the provision of fire protection and related services if the term of the contract extends after December 31, 2008.**

SECTION 14. IC 36-6-4-3, AS AMENDED BY P.L.1-2006, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8, except in a township: ~~that:~~
  - (A) ~~that~~ is located in a county having a consolidated city; and
  - (B) **whose fire department is** consolidated ~~the township's fire department~~ under IC 36-3-1-6.1.
- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10.
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.
- (15) Provide insulin to the poor under IC 12-20-16.
- (16) Perform other duties prescribed by statute.

SECTION 15. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

- (b) With the consent of the township legislative body, the executive

may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1**, the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township that is located in a county having a consolidated city and whose fire department has been consolidated under IC 36-3-1-6.1**, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 16. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

**(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:**

**(A) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

**(B) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

**(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under**

1 **IC 36-3-1-6.1, the local board is:**

2 **(1) before the effective date of the consolidation, the local**  
 3 **board described in IC 36-8-7-3; and**

4 **(2) on and after the effective date of the consolidation, the local**  
 5 **board of the consolidated city established under IC 36-8-7-3.**

6 SECTION 17. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,  
 7 SECTION 575, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in  
 9 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

10 (1) a police officer; or

11 (2) a firefighter;

12 who is less than thirty-six (36) years of age and who passes the baseline  
 13 statewide physical and mental examinations required under section 19  
 14 of this chapter shall be a member of the 1977 fund and is not a member  
 15 of the 1925 fund, the 1937 fund, or the 1953 fund.

16 (b) A police officer or firefighter with service before May 1, 1977,  
 17 who is hired or rehired after April 30, 1977, may receive credit under  
 18 this chapter for service as a police officer or firefighter prior to entry  
 19 into the 1977 fund if the employer who rehires the police officer or  
 20 firefighter chooses to contribute to the 1977 fund the amount necessary  
 21 to amortize the police officer's or firefighter's prior service liability over  
 22 a period of not more than forty (40) years, the amount and the period  
 23 to be determined by the PERF board. If the employer chooses to make  
 24 the contributions, the police officer or firefighter is entitled to receive  
 25 credit for the police officer's or firefighter's prior years of service  
 26 without making contributions to the 1977 fund for that prior service. In  
 27 no event may a police officer or firefighter receive credit for prior years  
 28 of service if the police officer or firefighter is receiving a benefit or is  
 29 entitled to receive a benefit in the future from any other public pension  
 30 plan with respect to the prior years of service.

31 (c) Except as provided in section 18 of this chapter, a police officer  
 32 or firefighter is entitled to credit for all years of service after April 30,  
 33 1977, with the police or fire department of an employer covered by this  
 34 chapter.

35 (d) A police officer or firefighter with twenty (20) years of service  
 36 does not become a member of the 1977 fund and is not covered by this  
 37 chapter, if the police officer or firefighter:

38 (1) was hired before May 1, 1977;

39 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 40 of which were repealed September 1, 1981); and

41 (3) is rehired after April 30, 1977, by the same employer.

42 (e) A police officer or firefighter does not become a member of the  
 43 1977 fund and is not covered by this chapter if the police officer or  
 44 firefighter:

45 (1) was hired before May 1, 1977;

46 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 47 of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979;  
and

(4) was made, before February 1, 1979, a member of a 1925, 1937,  
or 1953 fund.

(f) A police officer or firefighter does not become a member of the  
1977 fund and is not covered by this chapter if the police officer or  
firefighter:

(1) was hired by the police or fire department of a unit before May  
1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after  
December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31,  
1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or  
1953 fund, the police officer or firefighter is entitled to receive credit  
for all the police officer's or firefighter's years of service, including  
years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and  
"emergency medical technician" have the meanings set forth in  
IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a  
political subdivision wholly or partially within the department's  
jurisdiction;

(3) was a member of the public employees' retirement fund during  
the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was  
hired by the unit's fire department due to the reorganization of  
emergency medical services within the department's jurisdiction;  
shall participate in the 1977 fund. A firefighter who participates in the  
1977 fund under this subsection is subject to sections 18 and 21 of this  
chapter.

(h) A police officer or firefighter does not become a member of the  
1977 fund and is not covered by this chapter if the individual was  
appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the  
individual in the 1977 fund and the individual previously was a  
member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before  
July 1, 1996, who is a member of a police department in a second or  
third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the

1 Indiana law enforcement academy or a comparable law  
 2 enforcement academy in another state that were required at the  
 3 time the park ranger attended the Indiana law enforcement  
 4 academy or the law enforcement academy in another state;  
 5 (2) graduated from the Indiana law enforcement academy or a  
 6 comparable law enforcement academy in another state; and  
 7 (3) is employed by the parks department of a city having a  
 8 population of more than one hundred twenty thousand (120,000)  
 9 but less than one hundred fifty thousand (150,000);

10 is a member of the fund.

11 (k) Notwithstanding any other provision of this chapter, a police  
 12 officer or firefighter:

- 13 (1) who is a member of the 1977 fund before a consolidation under
- 14 IC 36-3-1-5.1 or IC 36-3-1-6.1;
- 15 (2) whose employer is consolidated into the consolidated law
- 16 enforcement department or the fire department of a consolidated
- 17 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
- 18 (3) who, after the consolidation, becomes an employee of the
- 19 consolidated law enforcement department or the consolidated fire
- 20 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

21 is a member of the 1977 fund without meeting the requirements under  
 22 sections 19 and 21 of this chapter.

23 (l) Notwithstanding any other provision of this chapter, if:

- 24 (1) before a consolidation under IC 8-22-3-11.6, a police officer or
- 25 firefighter provides law enforcement services or fire protection
- 26 services for an entity in a consolidated city;
- 27 (2) the provision of those services is consolidated into the
- 28 **consolidated** law enforcement department or fire department of a
- 29 consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and
- 30 (3) after the consolidation, the police officer or firefighter becomes
- 31 an employee of the consolidated law enforcement department or
- 32 the consolidated fire department under IC 8-22-3-11.6;

33 the police officer or firefighter is a member of the 1977 fund without  
 34 meeting the requirements under sections 19 and 21 of this chapter.

35 (m) A police officer or firefighter who is a member of the 1977 fund  
 36 under subsection (k) or (l):

- 37 (1) may not be:
- 38 ~~(1)~~ (A) retired for purposes of section 10 of this chapter; or
- 39 ~~(2)~~ (B) disabled for purposes of section 12 of this chapter;
- 40 solely because of a change in employer under the consolidation;
- 41 **and**
- 42 (2) **shall receive credit for all years of service as a member of**
- 43 **the 1977 fund before the consolidation described in subsection**
- 44 **(k) or (l)."**

45 Page 14, between lines 32 and 33, begin a new paragraph and insert:  
 46 "SECTION 22. [EFFECTIVE JULY 1, 2008] **The general assembly**  
 47 **finds the following:**

1 (1) A consolidated city faces unique budget challenges due to  
2 a high demand for services combined with the large number of  
3 tax exempt properties located in a consolidated city as the seat  
4 of state government, home to several institutions of higher  
5 education, and home to numerous national, state, and regional  
6 nonprofit corporations.

7 (2) By virtue of its size and population density, a consolidated  
8 city has unique overlapping territories of county, city, and  
9 township government and an absence of unincorporated areas  
10 within its county.

11 (3) By virtue of its size, population, and absence of  
12 unincorporated areas, development extends to and across the  
13 boundaries of the contiguous governmental territories located  
14 within a county having a consolidated city, thus giving less  
15 meaning to boundaries of the governmental territories located  
16 within the county.

17 (4) By virtue of its size, population, absence of unincorporated  
18 areas, overlapping territories, and development to and across  
19 the boundaries of contiguous governmental territories, there  
20 is less need for differentiation of local governmental services  
21 within the separate governmental territories located within a  
22 county having a consolidated city, but rather the local  
23 governmental service needs are similar and more uniform  
24 within and across a county having a consolidated city.

25 (5) The provision of local governmental services by multiple  
26 governmental entities with overlapping territories, and by  
27 governmental entities with contiguous territories with less  
28 meaningful boundaries, results in disparate levels of local  
29 governmental services within a county having a consolidated  
30 city and results in the inefficient and poor use of taxpayer  
31 dollars.

32 (6) As the state capital and a center for professional sporting  
33 events, tourism, and culture in central Indiana, the  
34 consolidated city faces unique demands for protecting  
35 governmental property and securing the safety of large  
36 numbers of residents and visitors, which require innovative  
37 approaches to public safety resources.

38 (7) Substantial operational efficiencies, reduction of  
39 administrative costs, and economies of scale may be obtained  
40 in a consolidated city through consolidation of city and  
41 township fire protection and related services and operations.

42 (8) Consolidation of city and township fire protection and  
43 related services and operations in the consolidated city will  
44 serve the public purpose by allowing the consolidated city to:

45 (A) eliminate duplicative services;

46 (B) provide better coordinated and more uniform delivery of  
47 fire protection and related services;

48 (C) provide more unified tax rates; and

1           **(D) allow fire protection and related services to be provided**  
 2           **more efficiently and at a lower cost than without**  
 3           **consolidation.**  
 4           **(9) Efficient and fiscally responsible operation of local**  
 5           **government benefits the health and welfare of the citizens of a**  
 6           **consolidated city and is of public utility and benefit.**  
 7           **(10) The public purpose of this act is to provide a consolidated**  
 8           **city with the means to provide fire protection and related**  
 9           **services for its citizens in an effective, efficient, and fiscally**  
 10          **responsible manner.**  
 11          SECTION 23. [EFFECTIVE JULY 1, 2008] **(a) The legislative**  
 12          **services agency shall prepare legislation for introduction in the**  
 13          **2009 regular session of the general assembly to organize and**  
 14          **correct statutes affected by this act, if necessary.**  
 15          **(b) This SECTION expires July 1, 2009."**  
 16          Renumber all SECTIONS consecutively.  
         (Reference is to EHB 1105 as printed February 15, 2008.)

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Senator MERRITT